

**FRANKLIN TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION NO. ZB 23-05**

WHEREAS, JWJ Investors, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for use variances, bulk variances and preliminary and final site plan approval for construction of a 4,464 square foot pole barn and the continuation of ongoing residential and commercial uses; and

WHEREAS, the property in question is located on Delsea Drive (State Highway Route 47) and known as Block 2102, Lot 22, on the tax map of Franklin Township, said property being in a Highway Commercial and Residential Agricultural (HC/RA) Zones; and

WHEREAS, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Tara L. Vargo, Esquire, appeared on behalf of the applicant. Testimony was presented by the applicant/owner, Jason Jones, Professional Planner, Brian Seidel and Professional Engineer, William Gilmore. The applicant is the owner of a 3.3-acre parcel located on the corner of State Highway Route 47 and Grant Avenue in HC and RA zones. The site was previously operated as a retail garden center, along with greenhouses and residential uses. Upon purchasing the property, the applicant has engaged in a significant amount of clean-up on the site. Presently there are 2 residential buildings occupied as rental units. The applicant also operates a landscaping business with 4 employees, as well as a contracting business with 23 employees that performs landscaping and hardscaping at customers' property, as well as sales and repair of landscaping equipment. In addition, there is a sales office for a garage door business on-site. The existing and proposed uses are conducted on-site as follows:

- a. Retail landscaping store-New Life Landscaping station – 1,704 square foot building,
- b. Retail garage door store – 1,704 square foot building,
- c. Mechanic shop – New Life Landscaping contracting – 3,703 square foot greenhouse,
- d. Storage – New Life Landscaping station – 4,303 square foot

greenhouse,

- e. 2- bedroom dwelling unit,
- f. Second 2-bedroom dwelling unit,
- g. Equipment outdoor storage yards, and
- h. Proposed new pole barn – New Life Landscaping contracting – 4,784 square feet. Primarily storage with some equipment repair. (No office use).

3. The site presently has 5 entrances, 3 on Grant Avenue and 2 on Delsea Drive.

4. The applicant requires the following variances: use variances as the proposed and existing uses are not permitted in the zone; a variance to permit more than 1 principal use on the property; a variance to permit a fenced storage yard in the RA zone; variances for preexisting sign conditions for 2 preexisting free-standing signs, height of the signs, area of the signs and sign set-back, a variance for buffering adjacent to the 2 residential properties to the south and east and a variance for non-compliance with building design standards and for warehousing not associated with a retail use on the property.

5. The applicant testified that there will be no net increase in impervious coverage and therefore no impact upon present drainage patterns.

6. Review letters were prepared by Planning Board Engineer and Professional Planner, David S. Scheidegg dated July 25, 2023, September 27, 2023 and November 16, 2023. Testimony was presented by the 2 adjoining residential property owners. The property owner to the east indicated that he did not want the vegetative buffer proposed along the property line adjacent to his home. The property owners to the south indicated that they have had ongoing difficulties with the prior owners of the property and while commending the new owner for the clean-up, they want to have a buffer along their property line. The Board determined that the applicant as the new owner of the property has made significant improvements in clean-up and that the current and proposed uses are consistent with those that have been ongoing at the property for decades. The Board determined that the 4,464 square foot pole barn proposed for the property will not have any significant detrimental impact and that the applicant has demonstrated justification for the requested variances and waivers. Considering the number of uses and activity on the property, the Board determined that the requests of the adjoining property owners regarding buffering was reasonable.

7. Because of the nature and configuration of the applicant's land, failure to grant the variance will work a peculiar and exceptional practical difficulty on the applicant.

8. The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Franklin. The applicant has shown the special reasons necessary to grant the variance.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Franklin this 2nd day of January 2024, confirming action heretofore taken, that the application of JWJ Investors, LLC for use variances, bulk variances and preliminary and major site plan approval for construction of a 4,464 square foot pole barn and the continuation of ongoing residential and commercial uses is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.

2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. The applicant shall be responsible for the payment of any and all Affordable Housing Development Fees due pursuant to Franklin Township Ordinance, Chapter 138 within the time required by the Ordinance.

4. Pursuant to Franklin Township Ordinance Section 329-1, et seq. trash pickup and recycling for commercial business is the responsibility of the business owner and the business owner shall arrange for pickup on a weekly or biweekly basis.

5. The southern entrance from Delsea Drive and driveway shall be eliminated and a 6-foot-high white vinyl fence shall be installed along the entire southern property line with Lot 21.

6. All requested variances and waivers are granted.

7. Downspouts for the newly constructed pole barn shall be directed away from the neighbor's property.

8. Trailers and dumpsters and truck bodies will be removed from the property and a trash enclosure shall be provided.

9. The sign on Grant Avenue which encroaches on the right-of-way shall be moved off of the right-of-way.

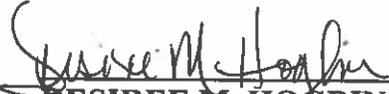
10. The proposed buffer of trees along the easterly property line shall be eliminated.
11. All ADA parking spaces to be hard surface (asphalt or concrete).

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JOHN GRAVENOR, Chairman

ATTEST:



DESIREE M. HOGBIN, Secretary